

Appl. No. 09/966,180
Amdt. dated October 12, 2005
Reply to Office action of August 9, 2005

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REMARKS/ARGUMENTS

Applicants have received the Office action dated August 9, 2005, in which the Examiner: 1) rejected claims 1-18, 24-33, 38-47, 50-54 and 59-66 under 35 U.S.C. § 102(e) as being anticipated by Cohen et al. (U.S. Pub. No. 2003/0005339); 2) rejected claims 19-23 and 55-58 under 35 U.S.C. § 103(a) as being unpatentable over Cohen et al. in view of Nakagawa (U.S. Pub. No. 20030037150); and 3) objected to claims 34-35 and 48-49 as being dependent upon a rejected base claim, but otherwise allowable.

With this Response, Applicants amend claims 3, 5, 10-12, 28, 34, 42-43, 48-50, 53 and 62, and cancel claims 1, 2, 4, 9, 19-27, 38-41, 44-47 and 55-61.

I. EFFECTIVELY ALLOWED CLAIMS

The Office action dated August 9, 2005 objects to claims 34, 35, 48 and 49 as dependent upon rejected base claims, but otherwise allowable. With this Response, Applicants rewrite claim 34 to be independent form. In rewriting the claim into independent form, Applicants remove "adapted to" terminology, correct an antecedent basis shortcoming regarding the "third communication pathway," correct an antecedent basis shortcoming regarding the central power supply, and remove limitations not needed to define over the cited art. Thus claims 34 and 35 should be in a condition for allowance.

Further, Applicants rewrite claim 48 to be in independent form. In rewriting the claim into independent form, Applicants put the claim in better means plus function format, and remove limitations not needed to define over the cited art. Applicants also amend claim 49 to reflect the amendments to claim 48. Thus, claims 48 and 49 should be in a condition for allowance.

II. CLAIM REJECTIONS

A. Claim 3

Claim 3 stands rejected as allegedly anticipated by Cohen. Applicants rewrite claim 3 into independent form to include the limitations of claim 1, now cancelled. Claim 3 already contained these limitations by virtue of its previous dependency.

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Cohen is directed to power control for a computer system. (Cohen Title). In particular, Cohen appears to discuss determining a power available from the power supply and a new total power requirement when a new computer is added, and one of: powering the new computer, not powering the new computer; or power the new computer and the remaining computers with all the computers in a reduced power mode. (Cohen Abstract). With regard to whether and/or to what extent to power the computers, Cohen appears only to be concerned with whether sufficient power is available.

Claim 3, by contrast, specifically recites, "powering the server if power is available from the central power supply to maintain fully redundant capability from the central power supply." Applicants respectfully submit that Cohen does not expressly or inherently teach that a decision whether to power a computer should be based on an ability "to maintain fully redundant capability from the central power supply."

Based on the foregoing, Applicants respectfully submit that claim 3 is not anticipated by Cohen, and should be allowed together with all claims that depend from claim 3 (claims 5-8 and 50-51). Applicants amend dependencies of claims 5 and 50 given the cancellation of claim 1, and not to define over any cited art.

B. Claim 8

Claim 8 stands rejected as allegedly anticipated by Cohen.

Claim 8 specifically recites, "polling individual power supplies in the central power supply to determine available power capacity..." Applicants respectfully submit that Cohen does not anticipate the limitations of claim 8. In particular, in Cohen the power available appears to be constant, and is read from a memory. (Cohen [0007], lines 5-8). Thus, Cohen does not expressly or inherently teach a central power supply with multiple power supplies, or "polling individual power supplies in the central power supply to determine available power capacity."

Claim 8 is dependant from claim 3 and is allowable for at least the same reasons, as well as for the additional limitations directed to "polling individual power supplies in the central power supply to determine available power capacity."

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C. Claim 10

Claim 10 stands rejected as allegedly anticipated by Cohen. Applicants amend the preamble of claim 10 and remove the "adapted to" terminology.

Cohen is directed to power control for a computer system. (Cohen Title). In particular, Cohen appears to discuss determining a power available from the power supply and a new total power requirement when a new computer is added, and one of: powering the new computer, not powering the new computer; or power the new computer and the remaining computers with all the computers in a reduced power mode. (Cohen Abstract). Referring to Cohen's Figure 1, with regard to devices to facilitate communications to make the determinations regarding powering a new computer, Cohen discloses only a "power monitor" 14 (coupled to the computers by a first communication pathway of an undisclosed type) and a "power controller" 13 (coupled to both the power supply and the power monitor by a second communication pathway of an undisclosed type). (Cohen Figure 1; [0006]-[0007]).

Claim 10, by contrast, specifically recites, "a first communication pathway coupling the chassis communication module and the power supply communication module; a second communication pathway coupling a server to the chassis communication module; a third communication pathway coupling a power supply system to the power supply communication module...." Even if the two communication pathways of Cohen that are unnumbered and are of undisclosed type are considered to be two of the claimed communication pathways (which Applicants do not admit is proper), the Cohen still fails to expressly or inherently teach a system as claimed with three communication pathways.

Based on the foregoing, Applicants respectfully submit that claim 10 is not anticipated by Cohen, and should be allowed together with all claims that depend from claim 10 (claims 11-18 and 52-54). Applicants amend claims 11, 12 and 52 to remove the "adapted to" terminology, and not to define over any cited art.

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D. Claim 28

Claim 28 stands rejected as allegedly anticipated by Cohen. Applicants rewrite claim 28 into independent form to including the limitations of claim 24, now cancelled. Claim 28 already contained these limitations by virtue of its previous dependency. Further, Applicants remove the "adapted to" terminology.

Cohen is directed to power control for a computer system. (Cohen Title). In particular, Cohen appears to discuss determining a power available from the power supply and a new total power requirement when a new computer is added, and one of: powering the new computer, not powering the new computer; or power the new computer and the remaining computers with all the computers in a reduced power mode. (Cohen Abstract). In Cohen the power available appears to be constant, and is read from a memory. (Cohen [0007], lines 5-8).

Claim 28, by contrast, specifically recites a "central power supply system comprising a plurality of individual power supplies; a power supply communication module coupled to each individual power supply through a third communication pathway; said power supply communication module generating the response to the request for permission to draw power by polling each individual power supply across the third communication pathway to determine remaining power capacity of the central power supply system, the power supply communication module sending the response across the first communication pathway." As discussed above, a number representing the power available in Cohen appears to be read from a memory. Thus, Cohen does not expressly or inherently teach a central power supply with multiple power supplies, or "polling each individual power supply across the third communication pathway to determine remaining power capacity of the central power supply system."

Based on the foregoing, Applicants respectfully submit that claim 28 is not anticipated by Cohen, and should be allowed together with all claims that depend from claim 28 (claims 29-33).

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E. Claim 29

Claim 29 stands rejected as allegedly anticipated by Cohen.

Claim 29 specifically recites, "a **first communication pathway** coupled between the plurality of computers and the central power supply system;¹ ... a power supply communication module coupled to each individual power supply through a **third communication pathway**;² ... a chassis communication module coupled to the first communication pathway, the chassis communication module also coupled to the plurality of computers by way of a **second communication pathway**... ." Even if the two communication pathways of Cohen that are unnumbered and are of undisclosed type are considered to be two of the claimed communication pathways (which Applicants do not admit is proper), the Cohen still fails to expressly or inherently teach a system as claimed with a third communication pathway.

Claim 29 is dependant from claim 28 and is allowable for at least the same reasons, as well as for the additional limitations directed to "a power supply communication module coupled to each individual power supply through a third communication pathway."

F. Claim 42

Claim 42 stands rejected as allegedly anticipated by Cohen. Applicants rewrite claim 42 into independent form to include the limitations of claim 38, now cancelled. Claim 42 already contained these limitations by virtue of its previous dependency. Further, Applicants remove the "adapted to" terminology, and place the claim in better means plus function form.

Cohen is directed to power control for a computer system. (Cohen Title). In particular, Cohen appears to discuss determining a power available from the power supply and a new total power requirement when a new computer is added, and one of: powering the new computer, not powering the new computer; or power the new computer and the remaining computers with all the computers in a

¹ By virtue of its dependency from claim 28.

² Also by virtue of its dependency from claim 28.

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reduced power mode. (Cohen Abstract). In Cohen the power available appears to be constant, and is read from a memory. (Cohen [0007], lines 5-8).

Claim 42, by contrast, specifically recites a "said central means for supplying **comprising a plurality of individual power supply means**; a means for communicating with a power supply that transfers messages to the central means for supplying, the means for communicating coupled to each individual power supply means through a third means for facilitating message transfer; said means for communicating generating the response to the request for permission to draw power by **polling each individual power supply means** across the third means for facilitating to determine remaining power capacity of the central means for supplying, the means for communicating sending the response across the first means for facilitating." As discussed above, a number representing the power available in Cohen appears to be read from a memory. Thus, Cohen does not expressly or inherently teach a central means for supplying power comprising multiple power supplies means, or "**polling each individual power supply means** across the third means for facilitating to determine remaining power capacity of the central means for supplying...".

Based on the foregoing, Applicants respectfully submit that claim 42 is not anticipated by Cohen, and should be allowed together with claim 43 that depends from claim 42. Applicants amend claim 43 to put the claim in better means plus function form.

G. Claim 62

Claim 62 stands rejected as allegedly anticipated by Cohen. Applicants amend claim 62 to remove preamble wording, to change antecedent basis indications based on the removal of preamble wording, to correct a typographical shortcoming, and to remove alphabetic limitation indicators (so as not to imply a particular order).

Cohen is directed to power control for a computer system. (Cohen Title). In particular, Cohen appears to discuss determining a power available from the power supply and a new total power requirement when a new computer is added, and one of: powering the new computer, not powering the new computer; or

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power the new computer and the remaining computers with all the computers in a reduced power mode. (Cohen Abstract).

Claim 62, by contrast, specifically recites, "operating a server in a high power consumption state; sending a message to a central power supply indicating a release of power by the server; and transitioning the server to a low power state." Cohen does not appear to be concerned with release of power, and thus does not expressly or inherently teach the limitations of claim 62.

Based on the foregoing, Applicants respectfully submit that claim 62 is not rendered anticipated by Cohen, and should be allowed together with claims 63-66 which depend from claim 62.

III. CLAIM CANCELLATIONS

With this Response, Applicants cancel claims 1-2, 4, 9, 19-27 38-41, 44-47 and 55-61 with out prejudice to later asserting those claims, such as in a continuation application.

IV. CONCLUSION

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

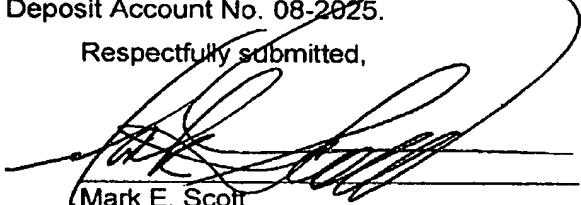
Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including

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fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



Mark E. Scott
PTO Reg. No. 43,100
CONLEY ROSE, P.C.
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
Legal Dept., M/S 35
P.O. Box 272400
Fort Collins, CO 80527-2400